

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

MICROSOFT CORPORATION, *et al.*,

Defendants.

Case No. 6:09-cv-367-LED

JURY TRIAL DEMANDED

STIPULATION FOR DISMISSAL

Plaintiff EMG TECHNOLOGY, LLC and Defendant SOUTHWEST AIRLINES CO. have agreed to dismiss this action. Accordingly, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure and stipulation of the parties, EMG TECHNOLOGY, LLC dismisses, with prejudice, this action against SOUTHWEST AIRLINES CO., and SOUTHWEST AIRLINES CO. dismisses, with prejudice, its counterclaims against EMG TECHNOLOGY, LLC in this action. Each party shall bear its own fees and costs.

DATED: October 14, 2010

Respectfully Submitted,

By: /s/ John R. Lane w/ permission by
Charles Ainsworth

By: /s/ Charles Ainsworth

David Healey
State Bar No. 09327980
Garland T. Stephens
State Bar No. 24053910
John R. Lane
State Bar No. 24057958
Fish & Richardson P.C.
1221 McKinney Street
Suite 2800
Houston, TX 77010
E-Mail: healey@fr.com

Charles Ainsworth
State Bar No. 00783521
Robert Christopher Bunt
State Bar No. 00787165
PARKER, BUNT & AINSWORTH, P.C.
100 E. Ferguson, Suite 1114
Tyler, TX 75702
903/531-3535
903/533-9687
E-mail: charley@pbatyler.com
E-mail: rcbunt@pbatyler.com

E-Mail: stephens@fr.com

E-Mail: jlane@fr.com

**ATTORNEYS FOR DEFENDANT
SOUTHWEST AIRLINES CO.**

Stanley M. Gibson

(Cal. Bar No. 162329)

Joshua S. Hodas, Ph.D.

(Cal. Bar No. 250812)

**JEFFER MANGELS BUTLER AND
MITCHELL, LLP**

1900 Avenue of the Stars, Seventh Floor

Los Angeles, CA 90067

Telephone: (310) 203-8080

Facsimile: (310) 203-0567

E-mail: smg@jmbm.com

E-mail: jsh@jmbm.com

Robert D. Becker

(Cal. Bar No. 160648)

Shawn G. Hansen

(Cal. Bar No. 197033)

MANATT, PHELPS & PHILLIPS, LLP

1001 Page Mill Road, Building 2

Palo Alto, CA 94304

Telephone: (650) 812-1300

Facsimile: (650) 213-0260

E-mail: rbecker@manatt.com

E-mail: shansen@manatt.com

**ATTORNEYS FOR PLAINTIFF
EMG TECHNOLOGY, LLC.**

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record, who are deemed to have consented to electronic service, are being served this 14th day of October, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Charles Ainsworth

CHARLES AINSWORTH